

SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT

BILASPUR

WRIT PETITION NO. 4041 /2006

PETITIONER

Prabha Choubey
W/o Late Anil Kumar Choubey
Aged about 44 years,
R/o Ramgudi Para,
Mishra Gali, Tahsil &
District- Raigarh (C.G.)

P.R.No. 4102/06
DR (Pate)
31/7/06

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH,
Through: The Secretary,
School Education Department,
D.K.S. Bhawan, Mantralaya,
Raipur, Distt- Raipur (C.G.)
2. The Joint Director,
Treasuries Accounts and Pension,
Bilaspur, Distt- Bilaspur (C.G.)
3. The District Education Officer,
Raigarh, District- Raigarh (C.G.)
4. The Block Education Officer,
Sarangarh, District- Raigarh(C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE
WRIT(S) OR ORDER(S) OR DIRECTION(S)

मामला क्रमांक W.P. 4041/ सन् 200 6

(45)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10-8-2006 Mr. Sanjay Patel, counsel for the petitioner. Mr. Sumesh Bajaj, Govt. Advocate for the State/respondents, on advance copy. Heard both the counsel. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 13-3-2006 (Annexure P-7), whereby recovery to the effect of Rs.63,752/- has been ordered against the petitioner's husband. The petitioner's husband initially entered as Salesman in the Commercial Tax (Excise) Department and thereafter, he was absorbed in the Education Department. The appointment of the petitioner's husband was to the effect that the petitioner's husband shall be entitled for increments only after passing the Hindi typing test and in case he will not be able to pass the test, then he shall continue to draw the lower salary. Learned counsel for the petitioner submits that the petitioner is ready to give consent for deduction of the said amount from the retiral benefits of her husband, as the same is not being paid since 2002 when the husband of the petitioner died in harness on 17-1-2002. Therefore, learned counsel further submits that the respondents be directed to sanction and pay the retiral benefits of the petitioner's husband after deducting the amount i.e. Rs.63,752/- to which Mr. Bajaj, learned Govt. Advocate has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the respondents are directed to expedite	

P.T.O.

मामला क्रमांक W.P. 4041/ सन् 2006

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आदेश पत्रक (पूर्वानुबद्ध)

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5	the case of the petitioner's husband for payment of retiral dues and family pension after deducting the amount of Rs.63,752/- from the retiral benefits and pass appropriate order regarding family pension and other dues within a period of three months from the date of receipt of a copy of this order, in accordance with law. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P.No.3156/2006 also stands disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C. Bhadoo Judge

Soma

P.T.O.

18.8.06